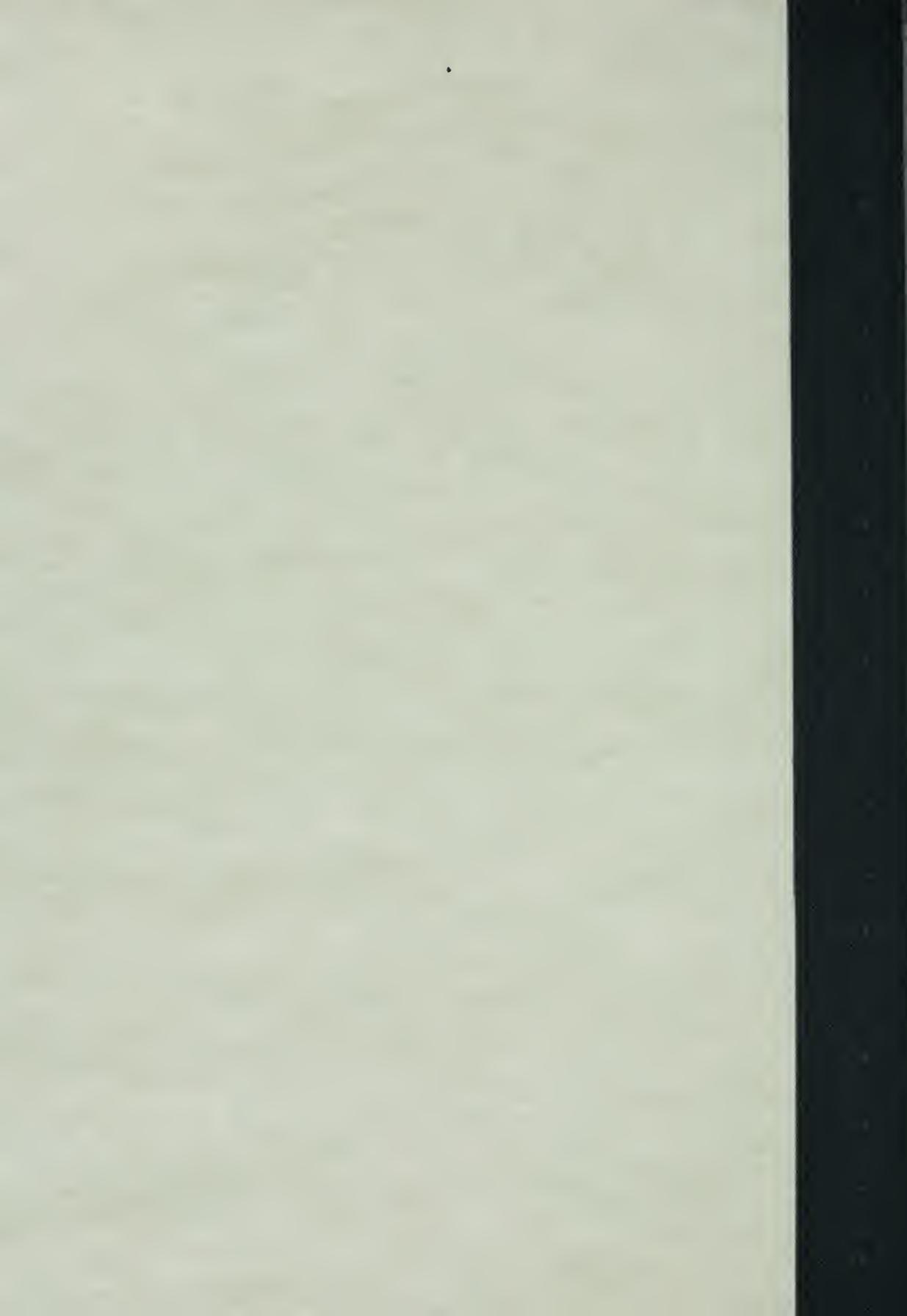


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Municipal Reference Bulletin No. 5

SPECULATION OR SCALPING IN AMUSEMENT TICKETS

ANALYSIS OF MUNICIPAL ORDINANCES
PROHIBITING OR REGULATING
THE SALE OF TICKETS OF ADMISSION
AT ADVANCED PRICES

PREPARED AT THE REQUEST OF
ALDERMAN WILLIS O. NANCE
MEMBER OF THE CHICAGO CITY COUNCIL



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CONTENTS

	Page
Introduction.....	5
General summary of municipal legislation.....	6-9
Classes of amusements considered.....	6
Ordinances of Class I.....	6
Ordinances of Class II.....	6-7
Ordinances of Class III.....	7
Ordinances of Class IV.....	7-8
Ordinances of Class V.....	8-9
Conclusions.....	9
Digest or text of laws and ordinances in various cities.....	10-20
Akron, Ohio.....	10
Atlanta, Ga.....	10
Baltimore, Md.....	10
Chicago, Ill.....	10-12
Cincinnati, Ohio.....	13
Cleveland, Ohio.....	13
Dayton, Ohio.....	14
Denver, Colo.....	14
Detroit, Mich.....	14
Kansas City, Mo.....	14
Louisville, Ky.....	15
New Haven, Conn.....	15
New York City.....	15-19
Norfolk, Va.....	19
Philadelphia, Pa.....	19
Pittsburgh, Pa.....	19-20
Portland, Ore.....	20

INTRODUCTION.

The information contained herein is compiled from the laws and ordinances of cities in the United States on file in the Municipal Reference Library and from replies received to correspondence carried on with certain city officials. The laws and ordinances of those cities having a population of over 50,000 relating to speculation in amusement tickets have been examined or inquired into. Special attention, however, has been given to the laws and ordinances of cities of the first and second class. There are at present twenty cities in these two groups, having a population of 300,000 and over. Investigation reveals that smaller cities are not, as a rule, subject to the ticket speculating evil, excepting under unusual conditions, as in the event where a theatrical performance or other mode of amusement has a great vogue and popularity. In consequence, the necessity for special legislation designed to mitigate or abolish the evil has not been felt in a large number of municipalities. The ordinances at present upon the municipal statute books clearly demonstrate that no city has adopted an ordinance which embodies the uniform experience of all, to the extent that such experience may be applied to local conditions. The aimless manner in which the ordinances in effect at present have been enacted is shown by their variance from each other. The ordinances adopted by the different cities, however, may be divided into five general classes, viz.:

1. Ordinances prohibiting the sale in any manner of amusement tickets at any other place than at the box office.
2. Ordinances prohibiting ticket scalping and speculation on the public streets or near the entrances of theatres.
3. Ordinances prohibiting the making of fraudulent reservations of seats.
4. Ordinances licensing speculators, brokers and scalpers in theatre and amusement tickets.
5. Ordinances prohibiting the owners, proprietors and managers of theatres and other places of amusement from disposing of tickets of admission to speculators, brokers and scalpers engaged in the business of selling such tickets at an advanced price.

GENERAL SUMMARY OF MUNICIPAL LEGISLATION

CLASSES OF AMUSEMENTS CONSIDERED.

The cities having ordinances prohibiting speculation in amusement tickets, as a rule, provide against speculation in tickets of admission to theatres and other licensed places of public amusement. Some cities specifically prohibit speculation in tickets for dramatic, theatrical, operatic, musical, baseball, football, athletic or any other public performance, exhibition or entertainment. In Cincinnati trafficking in tickets for public school entertainments, lecture courses, and lectures on historic, literary or scientific subjects is not inhibited by the provisions of the ordinance, while the Pittsburgh ordinance fails to prohibit the sale at an advanced price of tickets of admission to entertainments, the proceeds of which are to be devoted to charitable or benevolent purposes.

ORDINANCES OF CLASS I.

General Regulations.

Ordinances in Class I prohibit the sale of tickets of admission to theatrical performances and other amusements by any person or corporation at any other place within the corporate limits than at the box or ticket offices or other usual place of selling such tickets of admission.

Cleveland, Denver and Dayton make it unlawful to engage in the business of selling tickets of admission to theatrical performances and other places of amusement at a price higher than that advertised or printed on the ticket. New Haven and Pittsburgh, in addition to prohibiting speculation in tickets of admission to theatrical performances, forbid the sale, at an advanced price, of tickets of admission to baseball, football and other athletic sports and contests.

Penalty for Violation.

The Cleveland and Dayton ordinances provide a maximum fine of \$50.00 and the costs of prosecution. Denver subjects the offender to a fine of not less than \$25.00 nor more than \$200 for each offense. In New Haven the sale of each ticket in violation of the provisions of the ordinance is made a separate and distinct offense, subject to a fine of not less than \$10.00 nor more than \$100. Pittsburgh provides a minimum of \$10.00 and a maximum of \$50.00 as a penalty.

ORDINANCES OF CLASS II.

General Regulations.

Municipal ordinances of this class make it unlawful for any person or corporation to engage in the business of selling amusement tickets at increased prices in or upon the public streets, sidewalks, alleys, parks and other public ground.

Philadelphia, Baltimore, Denver, Detroit and New Haven have ordinances of this character. New York, Chicago and Pittsburgh, besides making it illegal to sell amusement tickets at advanced prices on the public streets and grounds, prohibit such sales in front or about the premises of any theatre, concert hall, circus or other place of amusement. New York further declares it an offense to solicit any person by signs, circulars or other means to purchase a ticket of the above description.

Penalty for Violation.

The penalty for the violation of the Denver ordinance in this class is similar to that provided for the violation of its ordinance in Class I, as is also the case in Pittsburgh and New Haven. The New York and Baltimore ordinances fix a maximum fine of \$10.00 for every violation of the ordinance in Class II, and in the former city imprisonment for a term of ten days, in default of payment, is provided. Notwithstanding that the New York City ordinance is strictly enforced and arrests are frequently made by the Police Department, there are still a number of individuals engaged in the ticket speculation business, which they carry on in a manner designed to evade the officers of the law. The devious methods followed by the scalpers and speculators in evading the ordinance are shown in a communication received from Inspector John F. Dwyer, in charge of the Fourth Police District in New York City, which is known as the theatre district.

Inspector Dwyer, in response to an inquiry regarding the efficiency of the New York ordinance in abolishing or mitigating the evil of speculation in theatre and amusement tickets, states: "Despite the ordinance, there is considerable unlawful speculation in tickets, that is, selling or soliciting their sale

upon the public streets; of course, the nuisance has been much abated. Ticket speculators now beat the ordinance in this way: the speculator hires the privilege of transacting his business in some little store adjacent to the place of amusement of which he has tickets for sale. He has runners on the outside, who, when they see persons turned away from the box office, say to such persons, "do you want to buy tickets for tonight's performance at this theatre? If you do, I know where you can buy them," and then directs the person desiring to purchase tickets to the little store or other location where the ticket speculator has the tickets. The charge of soliciting the sale of tickets in violation of the ordinance, based on this conversation, would not hold in court, the runner merely furnishing information.

: Co-operation of the theatres with the police, in my opinion, would eliminate the evil entirely, because it would make the business so unprofitable that the ticket speculator would abandon it. We have an arrangement with the Palace theatre management whereby, if we notify the doorkeepers of the theatre that the holder of certain of their tickets bought them from a ticket speculator, the ticket will not be honored at the door of the theatre. In working this arrangement, we station one or two plain clothes men outside the store or other location where the speculator and his runners are operating. If a person is seen negotiating with the speculator he is notified that any tickets he may purchase will not be honored at the door of the theatre. In most cases advice of this kind from the police frightens off the intending purchaser. Although on assurance from the speculator that the tickets are good, and that they will be honored at the door of the theatre, some people will buy, in which case they are followed to the theatre by the plain clothes men, and the doorkeeper notified, and admission is then refused on the tickets bought in this manner.

"The present ordinance, while not entirely effective is, to a considerable extent, able to abate the nuisance when aggressively enforced by the police."

The Philadelphia ordinance renders the offender subject to a fine of \$50.00 and imprisonment not exceeding three months. In Detroit a violation of the provisions of the ordinance is punishable by a fine not exceeding one hundred dollars and costs, and in the imposition of the fine the court may also sentence the offender to imprisonment in the House of Correction for a period not exceeding six months. Any person violating the provisions of the Chicago ordinance is subject to a fine of not less than \$5.00 nor more than \$50.00 for each offense.

ORDINANCES OF CLASS III.

General Regulations.

Ordinances in this class prohibit the reservation of any seats or areas in theatres and other places of amusement unless there has been a bona fide sale of a seat or seats within the reserved area.

Akron and Dayton have an ordinance of this nature. Cincinnati has an ordinance making it unlawful for any theatre and other place of amusement, after opening "for the reception and entertainment of persons attending," to sell or dispose of tickets of admission for the same so as to reserve particular seats to any individuals or discriminate in the sale of tickets or seats in any manner.

Penalty for Violation.

Akron provides a maximum penalty of \$50.00 for the violation of the ordinance, Dayton the sum of \$10.00, and Cincinnati a fine of not less than \$5.00 nor more than \$50.00 for such violation, each seat or ticket disposed of contrary to the provisions of the ordinance being considered a separate offense.

ORDINANCES OF CLASS IV.

General Regulations.

In a number of cities an attempt has been made to abolish or abate speculation in tickets of admission to places of amusement by licensing persons who, as brokers, dispose of or purchase the same for other persons.

In Atlanta brokers and speculators in amusement tickets are required to pay a license fee of \$500 per annum. In Birmingham the license fee is \$100.00 a year, while in Cincinnati the annual sum required to be paid to the city auditor for a license is \$1,000. The Portland (Oregon) ordinance requires

ticket agents, brokers, scalpers, messengers and others engaged in the business of buying or selling theatre tickets for profit to pay a quarterly license fee of \$100.00. General ticket agents and theatres selling tickets at the box offices, doors or business offices of theatres are exempted from the provisions of the Portland ordinance.

The annual license rate in Louisville and Norfolk is \$50.00 a year. In Kansas City (Mo.) speculators are licensed and required to pay the city a fee of \$50.00 per month.

An ordinance licensing and regulating ticket speculators was introduced in the New York Board of Aldermen on February 1, 1910, and referred to the Committee on Laws and Legislation. Among other provisions, the proposed ordinance fixed a license fee of \$500 for the first year and \$250 for each annual renewal of the license. Each applicant for a license was required to give a bond to the city in the sum of \$2,000 as surety for the faithful observance of the terms of the ordinance, such bond to be forfeited in case of violation.

After a number of hearings the Board of Aldermen, on February 21, 1911, upon the recommendation of the Committee on Laws and Legislation, voted to place the proposed ordinance on file.

On January 14, 1915, a bill was introduced in the Senate of the State of New York licensing the business of selling tickets for theatres and places of public amusement in cities of over one million inhabitants. It is proposed in the bill to license any person or corporation selling or purchasing tickets of admission for other persons, to theatres or places of public amusement. The bill does not, however, apply to the sale of tickets at the box offices located on the premises of licensed places of public amusement. It is required that all licensees pay an annual license fee of \$250 for each theatre and place of amusement for which tickets are sold. The bill is now pending before the Committee on the Judiciary of the New York State Senate.

Penalty for Violation.

Any person engaged in business in the City of Atlanta as a ticket speculator, without having procured a license, is subject, upon conviction, to a fine of not less than \$100 and imprisonment of not less than thirty days for each offense, the Mayor, however, in his discretion, having the power to remit the penalty of imprisonment.

The Cincinnati ordinance renders the offender liable to a fine of not more than \$500 nor less than \$50.00, or of imprisonment for a period not in excess of six months, or to both fine and imprisonment.

In Kansas City, Louisville and Norfolk the ordinances licensing amusement ticket brokers and speculators are part of the general license or revenue ordinances of each city. Kansas City fixes a maximum penalty of \$500 and not less than \$10.00, and Louisville a sum of not more than \$100 and less than \$5.00 for every violation of the municipal ordinance.

The ordinance licensing and regulating ticket speculators introduced into the New York Board of Aldermen, February 1, 1910, and later placed on file, provided that any licensee violating the terms of the ordinance was subject to the revocation of his license and the forfeiture of his bond in the sum of \$2,000.

The bill introduced in the New York Senate to license the business of selling tickets for theatres and places of amusement makes it a misdemeanor to violate any of its provisions and gives the Mayor of any city coming within the scope of the proposed act the power to revoke the license of any ticket seller on account of disorderly conduct and violation of the law.

ORDINANCES OF CLASS V.

General Regulations.

Ordinances in this class prohibit the owners, managers and proprietors of theatres and other places of amusement from disposing of tickets of admission to speculators and those engaged in the business of selling such tickets at an advanced price.

Denver has an ordinance of the foregoing description in its municipal code. An ordinance passed by the Chicago City Council provides that no amusement license shall be granted unless the licensee expressly agrees to refrain from disposing of tickets of admission to theatres, baseball parks and other places of entertainment, to other persons for purposes of speculation, or permitting

the sale of such tickets at advanced prices. On April 28, 1914, an ordinance was passed by the Board of Aldermen of New York City providing that any person or corporation making application to the Police Department for a license to conduct a theatre or place of amusement shall subscribe to an agreement printed on such application stipulating "that no ticket of admission shall be issued, sold or offered for sale by or on behalf of the licensee, or by or on behalf of any manager, agent, servant or employee of the licensee at a price in excess to that designated thereon, or with the knowledge, purpose or intention that such ticket is to be resold or offered for re-sale, and no licensee and no manager, officer, agent or employee of any licensee shall directly, or indirectly, receive any consideration of any nature whatsoever upon the sale of any such ticket beyond or in excess of the price designated thereon, or directly or indirectly enter into any arrangement, agreement or understanding for the receipt of any such consideration."

The foregoing ordinance was reconsidered by a vote of the Board of Aldermen on May 12th and referred back to the Committee on General Welfare. The latter Committee submitted a report recommending that the ordinance be placed on file pending a report from the committee appointed by the Mayor to investigate the subject of speculation in theatre tickets.

A bill was introduced in the Assembly of the New York State Legislature on January 14, 1915, making it unlawful for any person or corporation owning or managing any theatre or other place of amusement from selling or disposing of tickets of admission to the same at prices greater than the price printed on each ticket. The proposed act was referred to the Committee on Codes, where it is now pending.

A bill was introduced in the Senate of the New York Assembly, on February 25, 1914, and referred to the Committee on Codes, making it a misdemeanor for any person or corporation issuing tickets of admission to receive or permit any other person to receive any sum in excess of the price printed on each ticket of admission to any theatre or other place of amusement.

Penalty for Violation.

The Denver ordinance renders the offender subject to a fine of not less than \$25.00 nor more than \$200. The Chicago ordinance provides that the Mayor may revoke the license of any place of amusement for a failure upon the part of the licensee to comply with its terms. The New York ordinance, as passed April 28, 1914, prescribed that the license issued by the Police Department under the terms of the ordinance be forfeited upon the conviction of the licensee, his agents and employees, of a violation of the agreement quoted under the foregoing heading. Besides rendering the offender subject to the revocation of his license, the ordinance provided that any person violating its provisions should be liable to a fine of \$50.00 for each offense.

According to the proposed act introduced in the Assembly of the New York State Legislature on January 14, 1915, the owner and manager of any theatre or other place of amusement selling tickets of admission at a bonus or at advanced prices, either on his own behalf or through an agent or broker, shall be guilty of a misdemeanor and subject to a fine of not less than \$50.00 nor more than \$200, or by imprisonment of not less than thirty days nor more than six months, or both.

CONCLUSIONS.

The general tendency of the municipal ordinances considered in the foregoing summary may be stated, as follows:

1. To except speculation in tickets for public school entertainments and lectures, or where the proceeds are to be devoted to charitable or benevolent purposes.
2. To place the responsibility for the sale of amusement tickets at an advanced price by speculators, brokers and scalpers upon the owners, proprietors and managers of theatres and places of amusement.
3. To place in the hands of the Mayor the power to revoke the license of any owner, proprietor or manager of a theatre or other place of amusement who disposes of tickets of admission at advanced prices or is convicted of acting in collusion with ticket speculators, brokers and scalpers.

DIGEST OR TEXT OF LAWS AND ORDINANCES PENDING OR IN EFFECT IN VARIOUS CITIES OF THE UNITED STATES

Where a city has enacted or proposed comprehensive legislation it is here-with reproduced in full, otherwise only brief summaries are given. The popu-lation as given for each city is that estimated by the United States Bureau of the Census for July 1, 1914.

AKRON, OHIO. (Population 80,291.)

Section 167. No proprietor, manager or employe or other person connected with any theatrical exhibition or other show shall place or cause to be placed any card, article or designation in, about or upon any seat within the room or enclosure where said theatrical exhibition or other show is given indicating that the same has been reserved unless there has been a bona fide sale of such seat.

Section 170. Whoever shall violate any provisions of this chapter shall be fined not more than \$50.00.

ATLANTA, GA. (Population 179,292.)

It is provided in section 2,885 of the Code of 1910 that:

No person shall be permitted to speculate in tickets for theatrical or other like performances, without first taking out a license from the City Clerk, which license shall be \$500 per annum. Any person violating this section shall be punished, on conviction before the Recorder's Court, by a fine of not less than \$100 and costs, and imprisoned not less than thirty days for each offense; but the Mayor shall have power, in his discretion, to remit the penalty of imprisonment.

BALTIMORE, MD. (Population 579,590.)

It is provided in section 93 of article 25 of the Baltimore City Code of 1906 that:

It shall not be lawful for any person or persons to sell, barter or exchange, or offer for sale, barter or exchange, upon the public streets or highways, tickets of admission to any theatre or circus. Any person or persons violating the provisions of this section shall be deemed guilty of a misdemeanor and, on conviction, shall be punished by a fine of \$10.00 for every such offense.

CHICAGO, ILL. (Population 2,393,325.)

On March 18, 1907, the Chicago City Council passed an ordinance prohibiting the sale of theatre and other amusement tickets by speculators and scalpers, the sale of tickets at a higher price than the price printed on the same, and the sale of tickets of admission by the owners, managers and proprietors of theatres and other places of amusement to any broker, speculator or scalper. The following is the ordinance:

Section 1. That Article 2 of Chapter VI of the Revised Municipal Code of Chicago of 1905, be and the same is hereby amended by striking therefrom Section 121, and substituting therefor a section to be hereafter known as Section 121, which said section shall read as follows:

"It shall be unlawful for any person or corporation to sell or to engage in the business of selling, any ticket of admission to any theatrical, operatic or musical entertainment, except at the regular ticket office or ticket offices located upon the premises where such entertainment is to be given or held; provided that nothing in this ordinance shall be held or construed to prohibit the sale of tickets to entertainments, the proceeds of which are to be devoted to charitable or benevolent purposes.

"It shall be unlawful for any person or corporation to sell or to engage in the business of selling at a premium or at a higher price than the price printed thereon, any ticket of admission to any place of amusement, whether

such selling be his or its regular business, or be engaged in occasionally or incidentally in connection with some other business.

"No person or corporation conducting any place of amusement, or any officer, agent, or employe thereof, shall directly or indirectly offer to sell, sell, consent to sell, or permit to be sold, any ticket of admission to any place of amusement to any broker, speculator, scalper or other person, regularly, occasionally, or incidentally engaged in the business of selling any such tickets of admission for re-selling at an increased price above that printed thereon."

Section 2. This ordinance shall be in full force and effect from and after its passage and due publication.

The supreme court of the State of Illinois later held the above ordinance unconstitutional on the ground that it was an arbitrary and unreasonable interference with the rights of the individuals concerned. It was held that purchasers of theatre tickets have no right to buy at any price excepting that fixed by the holder of the ticket. In the words of the court "the manager may fix the price arbitrarily, and may raise or lower it at his will. Having advertised a performance he is not bound to give it, and having advertised a price he is not bound to sell tickets at that price. The business of dealing in theatre tickets is carried on to some extent, at least, and the right to do so and to contract in regard to such tickets is a right in which those who use it are entitled to be protected. Though the manager sells all his tickets at one price it may be a valuable right to sell to the broker." From the language of the court, as stated above, it may be said that the ordinance was declared unconstitutional largely, if not solely, on the ground of its supposed interference with the individual's right to contract, and that the interests of the public were not considered in due measure, if at all.

The following is an ordinance passed by the Chicago City Council June 3, 1912, and in effect at present:

Section 1. That Section 108 of the Chicago City Code of 1911 be and the same is hereby amended by adding thereto the following, which is hereby designated as Section 108a:

"Section 108a. Provided, that the license, if granted, is accepted by the licensee or licensees upon the express condition that he or they will neither give, grant nor permit to be given or granted to any person or persons any options upon seats or tickets in said theatre, baseball park or other place of amusement, or sell to any person or persons any such seats or tickets with the intent and for the purpose of speculating in such seats or tickets, or accept the return of unsold tickets, that he or they will not charge or permit to be charged, directly or indirectly, by any agent or person in his or their employ, for any ticket or tickets, any sum over and above the sum printed on the face of such ticket or tickets, and that all seats shall be sold and disposed of to the public applying therefor, at the box office of the theatre, baseball park or other place of amusement, selling said tickets, and that the license granted hereunder shall be null and void and may be revoked by the Mayor upon the failure or refusal of the applicant to comply with any of the foregoing conditions."

Section 2. This ordinance shall be in full force and effect from and after its passage and approval.

The following ordinance was introduced in the Chicago City Council on April 4, 1915, by Alderman Willis O. Nance and referred to the Committee on Judiciary where it is now pending:

Section 1. That Section 108 of The Chicago Code of 1911, as amended by an ordinance adding Section 108a thereto, passed June 3, 1912, and appearing on pages 622 and 623 of the Journal of the Proceedings of the City Council of that date, be and the same is hereby further amended so as to read as follows:

"108. Application for license—conditions—to be null and void if not observed—penalty. Any person or corporation desiring to produce, present, conduct, operate or offer for gain or profit any of the foregoing classes of entertainments at any place within the city, shall

make application to the Mayor in writing, setting out the full name and address of the applicant, if an individual, and if a corporation, the full names and residences of its principal officers; also a description of the place where it is proposed to produce, present, conduct, operate or offer such entertainment, a description of the kind and class of entertainment, the highest price to be charged for admission thereto, exclusive of that charged for box seats, and the seating capacity of such place. *Such application shall contain, plainly printed thereon, the following agreements, which, together with apt words indicating that the applicant accepts the same as conditions for the issuance of the license applied for, shall be subscribed by the applicant before any license shall be issued thereunder:*

"1. That every ticket of admission issued by said applicant when licensed under such application shall have conspicuously printed upon its face the price thereof, the date for which the same is issued and the particular performance for which issued if there is to be more than one on such date, and that no price in excess of that so designated will be asked or accepted by or on behalf of such licensee.

"2. That no ticket of admission shall be issued, sold or offered for sale by or on behalf of the licensee to whom a license is issued under such application at a price in excess of that designated thereon, or with the knowledge, purpose or intention that such ticket is to be resold or offered for resale, and no licensee and no manager, officer, agent or employee of any licensee shall, directly or indirectly, receive any consideration of any nature whatsoever upon the sale of any such ticket beyond or in excess of the price designated thereon, or directly or indirectly enter into any arrangement, agreement or understanding for the receipt of any such consideration.

"3. That any license issued by virtue of such application shall be and become null and void by operation of law, without express revocation on the part of the Mayor or any other executive officer of the city, if the licensee or his agents or employees acting for him, shall be adjudged guilty by a court of competent jurisdiction of having violated any of the conditions named herein and so subscribed by the applicant for a license.

"When the said application and the agreements therein contained shall have been signed by the applicant, the Mayor shall make, or cause to be made, an examination of such place, and if all the provisions of this chapter, and all of the ordinances of the City of Chicago relating to the giving of entertainments and of the location, construction and maintenance of the places within which such entertainments are given, are complied with, the Mayor shall issue, or cause to be issued, a license to such applicant, attested by the city clerk, which shall entitle the licensee to conduct, produce, present, operate or offer the class of entertainment specified in such license at the place designated in such application and for the period of time specified in such license, upon the payment of the license fee hereinafter specified: Provided, however, that the said license shall contain apt words indicating that the same is issued and accepted subject to the conditions and agreements hereinbefore set forth contained in the application for same and subscribed by the licensee when application for such license is made; and the said conditions shall upon the issuance of such license at once become binding on the licensee, his agents and employees, who shall conform to the requirements of same.

"Any person or corporation failing to comply with or violating any of the provisions of this section, or, having received a license under the terms and conditions imposed by this section, fails to observe the conditions so imposed, shall be liable, in addition to any other penalty prescribed by law, to a penalty of fifty dollars for each offense."

Section 2. This ordinance shall take effect and be in force from and after its passage and due publication.

CINCINNATI, OHIO.

(Population 402,175.)

The following is the Cincinnati ordinance as contained in the Code of 1911:

Section 800. Any person or persons whether as principals or agents, carrying on or engaged in the business of trafficking for profit in tickets of admission to any theatres, opera-house, music-hall, or other place of entertainment, amusement or instruction, to which tickets of admission are offered for sale to the general public, shall be required to pay a license fee of one thousand dollars, the said license to be given for the term of one year from its issue, and to be issued by the auditor of the city. But the trafficking in tickets for public school entertainments, lecture courses, and lectures on historic, literary or scientific subjects, shall not come within the provisions of this section; nor shall the same apply to any sale or transfer of tickets of admission to any theatre, opera-house, music-hall or other place of amusement, entertainment or instruction, when no greater price is asked or received therefor than that for which such tickets were sold or offered for sale by the persons or corporation issuing such tickets.

Section 831. After opening for the reception or entertainment of persons attending any theatrical exhibition, public show, or exhibition of whatever name or nature, within the corporate limits, for which money or other reward is in any manner demanded or received, it shall be unlawful for any person or persons, owning or having control or charge of any such show or exhibition, or of the sale or disposal of tickets or seats so as to reserve particular seats in either portion of said show or exhibition to any individuals, or in any wise to discriminate in the right to or sale of any such seats. Every place of amusement shall have framed and hung up at the door in some conspicuous place a printed copy of this section. Any person or persons violating this section shall on conviction be fined in any sum not exceeding ten dollars and costs of prosecution; each ticket or seat so disposed of or sold shall be deemed and held to be a separate offense and violation.

Section 832. Whenever any theatrical show or exhibition of any name or nature is given at any hall or building in this city licensed as a theatre, and for admission to which money is demanded, if such theatrical show or exhibition is advertised by the proprietor of such theatre, show or exhibition in any newspaper of general circulation published within the corporate limits of Cincinnati, every such advertisement shall state the complete scale of prices for admission to such theatrical show or exhibition, and such scale of prices shall also be framed and hung up in some conspicuous place at the door of the theatre; and it shall be unlawful for any person to sell or dispose of any ticket or seat for such theatrical show or exhibition at a higher price for admission thereto than according to the scale of prices so published, framed and hung up; and it shall also be unlawful for any person to sell or dispose of any ticket or seat for any such theatrical show or exhibition without such scale of prices having been first advertised, together with any newspaper advertisement of such show or exhibition, and also having been framed and hung up at the door of the theatre as above required. Any person or persons violating this section shall, on conviction, be fined in any sum not exceeding \$50.00 nor less than \$5.00. Each ticket or seat sold or disposed of contrary to the provisions of this section shall be deemed and held to be a separate offense.

CLEVELAND, OHIO.

(Population 639,431.)

Section 1,534 of the revised ordinances of 1907 reads as follows:

It shall be unlawful for any person to sell, or offer for sale, any ticket or tickets of admission to any theatrical or other exhibition to be given within the limits of the City of Cleveland, for a sum exceeding the price of admission advertised for or charged by the owner or manager of such exhibition. Any person violating any of the provisions of this section shall, on conviction thereof, be fined in any sum not exceeding \$50.00 and costs of the prosecution.

DAYTON, OHIO.
(Population 123,794.)

Ordinance 6,244, passed May 26, 1904, provides:

Section 1. That it shall be unlawful for any person within the City of Dayton, State of Ohio, to sell or offer for sale any theatrical ticket or tickets, or other tickets of licensed amusements, outside of the box office or other usual place of selling tickets, from any theatre or other place of licensed amusement, unless such person shall first have obtained written authority from the person or persons issuing such tickets to act as his or their agent for such purpose.

Section 2. That it shall be unlawful for any person within the limits of said City of Dayton, State of Ohio, to sell or offer for sale any ticket or tickets of admission to any theatre or other licensed exhibition to be given within the limits of said city for a sum exceeding the price of admission advertised for such exhibition by the owner or manager of such exhibition.

Section 3. That the provisions of this ordinance shall not apply to the sale of tickets for public school entertainments, lecture courses, and lectures of historic, literary or scientific subjects.

Section 4. That any person violating any of the provisions of this ordinance shall, on conviction thereof, be fined in any sum not exceeding \$50.00, and shall pay the costs of prosecution.

DENVER, COLO.
(Population 245,523.)

The Denver ordinance provides that:

It shall be unlawful for any person or corporation to sell or to engage in the business of selling at a premium, or at a higher price than the price printed thereon, any ticket of admission to any place of amusement, whether such selling be his or its regular business, or be engaged in occasionally or incidentally in connection with some other business.

No person or corporation conducting any such place of amusement, or any officer, agent or employe thereof, shall directly or indirectly offer to sell, sell, consent to sell, or permit to be sold, any ticket of admission to any place of amusement to any broker, speculator, scalper or other person, regularly, occasionally or incidentally engaged in the business of selling any such tickets of admission for re-selling at an increased price above that printed thereon.

It shall be unlawful for any person or corporation to engage as a broker, speculator or scalper in the business of selling tickets of admission to any place or places of amusement at such increased price, in or on any street, sidewalk, alley or public ground in the city and county. Penalty: from \$25.00 to \$200 fine.

DETROIT, MICH.
(Population 537,650.)

It is provided in the ordinance approved December 1, 1903, that:

Section 1. No person within the limits of the City of Detroit, standing or remaining in any public street, or any doorway, or in any of the public places, shall sell or offer for sale any theatre ticket or tickets of admission to shows, concerts or entertainments.

Section 2. Any violation of the provisions of this ordinance shall be punished by a fine not exceeding \$100 and costs, and in the imposition of such fine the court may make a further sentence that the offender may be imprisoned in the Detroit House of Correction for a period not exceeding six months.

KANSAS CITY, MO.
(Population 281,911.)

Kansas City has no comprehensive ordinance on the subject. It is provided in the license ordinance that amusement ticket brokers shall be licensed and be required to pay a fee of \$50.00 a month.

LOUISVILLE, KY.

(Population 235,114.)

The ordinance providing for the licensing of business and occupations in the City of Louisville requires that every ticket broker, scalper, person, firm or corporation who buys or sells theatre, railroad or steamboat tickets shall pay a license of \$50.00 a year. It is made unlawful for any person thus licensed to buy, sell or exchange tickets on the public streets or thoroughfares, or at any other place within the city other than at the office of the licensee.

NEW HAVEN, CONN.

(Population 144,505.)

According to the ordinance of the City of New Haven as revised to January, 1914:

Section 23. All tickets of admission to public places of amusement, performance, sport, exhibition or athletic contest, shall have printed on them in a conspicuous manner the price for which they are to be sold and the date or dates for which they are issued.

Section 24. No person, persons or corporation shall sell or offer for sale in or upon any street, park, alley or other public place in the City of New Haven, any ticket, privilege or license of admission to any place of public amusement, performance, sport, exhibition, or athletic contest, or sell or offer for sale anywhere within said City of New Haven any ticket, privilege or license of admission to any place of public amusement, performance, sport, exhibition or athletic contest at a price greater than the price printed thereon, or at a price greater than the actual or fixed price of admission to such place of public amusement, sport, performance, exhibition or athletic contest.

Section 25. Any person, persons or corporation violating any of the provisions of either of the two sections preceding shall be fined not less than \$10.00 nor more than \$100 for each offense, and the sale of each ticket sold in violation of any provision of said section shall constitute a separate and distinct offense.

NEW YORK CITY.

(Population 5,333,539.)

The following ordinance was passed by the Board of Aldermen, February 14, 1911:

Section 1. No person shall conduct on or in any street in the City of New York the business of selling or offering for sale any ticket of admission or any other evidence of any license, contract or right of entry to any performance or exhibition in or about the premises of any duly licensed theatre, concert hall, place of public amusement, circus, common show, or any place of public amusement for which a license is not required by law. Nor shall any person solicit by words, signs, circulars or other means any person to purchase any such ticket upon any such street. Any person guilty of a violation of this ordinance, or any part thereof, shall, upon conviction before a City Magistrate, be punished by a fine not exceeding \$10.00, and in default of payment of any fine so imposed, shall be committed to the City Prison for a term not exceeding ten days, each day of such imprisonment to be taken as a liquidation of each dollar of such fine.

Section 2. This ordinance shall take effect thirty days after its approval by the Mayor.

On February 1, 1910, an ordinance was introduced in the Board of Aldermen to provide for the licensing and regulation of ticket speculators and referred to the Committee on Laws and Legislation. On February 21, 1911, the ordinance was placed on file by the Board of Aldermen on the recommendation of the committee to which it had been referred. The ordinance is as follows:

Section 1. No person shall engage in the business of selling in any of the public streets of the City of New York, either on his behalf or as the agent of any other person, association or corporation, any ticket, order or certificate purporting to confer the right of admission to any place of amusement or entertainment, unless he shall have first procured from the Mayor of the city a license authorizing him to engage therein, and shall otherwise comply with the provisions of this and two ensuing sections, in which event he shall,

until the expiration of such license or its revocation, be authorized to conduct such business. A written application for such license shall be filed with the Mayor of the city not less than one month prior to the granting of the license, and shall be accompanied by the affidavits of two taxpayers of the city who have known the applicant for at least one year, showing that said applicant is a citizen of the United States, has resided within the state for a period of one year, and is a person of good moral character. Such license shall be granted on the payment to said Mayor of a fee of \$500 for the first year during which the applicant shall be so licensed, and of a further fee of \$250 annually for each renewal of said license. The license shall run one year from the date of issue thereof. Every license shall contain the name of the person licensed, a designation of the street and number of the house where said person shall reside and the number and date of such license, and such license shall not be transferable.

Section 2. The Mayor shall require the applicant to deliver with his application a bond to the city, in due form, in the penal sum of \$2,000, with two or more sufficient sureties, or a duly qualified surety company, approved by the Mayor, conditioned that the obligor will not violate any of the terms, conditions, provisions or requirements of this ordinance, and said bond shall be filed in the office of the City Clerk. In case of any violation of the conditions of said bond, the same shall be enforceable by the obligee thereof on the certificate of the Mayor directing such enforcement.

Section 3. No person licensed as herein provided shall sell or offer to sell any ticket, order or certificate purporting to confer the right of admission to any place of amusement or entertainment, unless while so engaged he shall wear conspicuously a badge, the style and character of which shall be designated by the Mayor, which shall not be less than two inches in diameter, bearing a number corresponding with the number of his license. No person so licensed shall permit his license or badge to be used by any other person; nor shall he conduct the business for which he shall be so licensed within any space on the sidewalk within ten feet of either side of the vestibule or entrance of any place of amusement or entertainment; nor shall he falsely represent the nature of any right or privilege which he shall sell or offer to sell.

Section 4. Any violation of the provisions of either of the three preceding sections shall constitute a misdemeanor. The Mayor shall also be empowered to revoke any such license for any violation of said provisions on giving to the licensee notice of the charges made and a reasonable opportunity to defend himself against them.

Section 5. This ordinance shall take effect thirty days after the approval thereof by his Honor the Mayor.

On April 28, 1914, an ordinance relating to the sale of amusement tickets at advanced prices was passed by the Board of Aldermen upon recommendation of the Committee on General Welfare. The ordinance, however, was never approved by the Mayor, and on May 12, 1914, it was recalled from the Mayor for further consideration by the Board of Aldermen. Thereupon the Board of Aldermen moved to reconsider the ordinance as passed and it was finally referred back to the Committee on General Welfare. The following is the ordinance:

An Ordinance Relating to Places of Public Amusement:

Be it Ordained, by the Board of Aldermen of the City of New York, as follows:

Section 1. No license shall be granted for any or all of the purposes set forth in Section 1472 of the greater New York charter unless an application therefor, subscribed by the person or corporation seeking said license, shall first be made to the Police Department upon a printed form of application to be furnished by said department, which said application shall contain plainly printed thereon the following agreements on the part of the licensee, to wit:

First—That the price of each and every ticket of admission issued by or on behalf of the licensee herein shall be plainly and legibly printed on such ticket, and no price in excess of that so designated shall be asked or accepted by or on behalf of the licensee.

Second—that no ticket of admission shall be issued, sold or offered for sale by or on behalf of the licensee at a price in excess to that designated

thereon or with the knowledge, purpose or intention that such ticket is to be resold or offered for resale, and no licensee and no manager, officer, agent or employee of any licensee shall, directly or indirectly, receive any consideration of any nature whatsoever upon the sale of any such ticket beyond or in excess of the price designated thereon, or directly or indirectly enter into any arrangement, agreement or understanding for the receipt of any such consideration.

Third—This license shall be and become null and void upon the entry of a judgment for the penalty prescribed in Section 3 of this ordinance for a violation of any of the foregoing agreements by such licensee, or his agents or employees.

Section 2. Every license shall contain plainly printed therein the agreement on the part of the licensee prescribed in Section 1 of this ordinance.

Section 3. In addition to any other penalty prescribed by law or ordinance, every person violating any of the provisions of the foregoing section of this ordinance shall be liable to a penalty of \$50.00 for each offense, to be recovered in an action to be brought therefor in the name of the City of New York.

Section 4. This ordinance shall take effect thirty days after approved by the Mayor.

During the present session of the Legislature of the State of New York a number of bills have been introduced designed to abate or prevent speculation in tickets of admission to theatres and other places of amusement.

On January 14, 1915, a bill was introduced in the Senate of the State of New York for the purpose of licensing the business of selling tickets for theatres and places of amusement in cities of over 1,000,000 inhabitants. The bill was read twice and then referred to the Committee on the Judiciary, where it is now pending. The following is the bill:

Section 1. Chapter twenty-five of the laws of nineteen hundred and nine, entitled "An act relating to general business, constituting chapter twenty of the consolidated laws," is hereby amended by inserting therein a new article, to be Article 9-a, to read as follows:

Sec. 144. License required; fee. On and after July 1, 1915, it shall be unlawful for any person, association, copartnership or corporation to engage or continue in the business of selling, disposing of or purchasing, for other persons, tickets for theatres or places of public amusement, in cities of over one million inhabitants, unless such person, association, copartnership or corporation shall have complied with the provisions of this article, and obtained a license so to do from the mayor of the city, or other licensing authority in such city, for which license there shall be paid, for the use of such city, the sum of two hundred and fifty dollars, annually, for each theatre or place of amusement, in such city, for which tickets are sold.

Sec. 145. Term of License. All licenses issued on or between the first day of July and the thirty-first day of October of any year shall expire on the thirtieth day of June of the succeeding year; and all licenses issued on or between the first day of November, and the thirtieth day of June of any year, shall expire on the thirty-first day of October of the succeeding year.

Sec. 146. Specifications of License. The license shall specify the place where the business of ticket selling shall be conducted, and the theatre or place of public amusement, in respect to which the license applies, and under said license only the business of ticket selling for the theatre or place of public amusement specified in the license may be conducted at the place specified in the license.

Sec. 147. New License for unexpired term. The mayor of the city, or other licensing authority, issuing the license may, in his discretion, on the application of the licensee, and on the surrender of a license, issue a new license for the unexpired term to any other person, association, copartnership or corporation, or

to permit ticket selling for any other theatre or place of amusement, than that specified in the license surrendered, or for any other locality in such city than the place specified in the license surrendered.

Sec. 148. Presumption of conducting business. The sale of a ticket for a theatre or place of public amusement, in any store, room, stand or other place, to which the public is admitted, shall be presumptive evidence that the business of ticket selling is being carried on at said place by the person selling the ticket.

Sec. 149. Exhibition of license. The license shall be exhibited, on demand, to any policeman or peace officer, and a refusal so to do shall be presumptive evidence that no license has been issued, and shall be ground for revoking the license or licenses held by the ticket seller.

Sec. 149-a. Posting of license. In every place where tickets for theatres or places of public amusement are sold, there shall be posted in a conspicuous place the words "licensed ticket seller," with the names of the theatres or places of amusement for which licenses have been issued, authorizing the sale of tickets.

Sec. 149-b. Revocation of license. Any license issued under this article may be revoked by the mayor or other licensing authority, for any violation of this article, or for any disorderly conduct on the part of the ticket seller, or any other person acting for him, or under his authority, in said business. In any case where a license is revoked, or where the licensing authority refuses to renew a license, reasons for the action must be stated in writing, and shall be a public record, and no license shall be issued for said place for the term of six months after such revocation or refusal to renew a license.

Sec. 149-c. Definition of terms. The words "ticket selling" when used in this article shall be taken to mean selling tickets for admission to a theatre or other place of public amusement. The words "Ticket seller," when used in this article, shall be taken to mean a person, association, copartnership or corporation, selling or causing to be sold tickets for any theatre or place of public amusement.

Sec. 149-d. Article not to apply to box office sales. This article shall not be construed to apply to the sale of tickets at the box office or box offices connected with and located upon the premises of a duly licensed theatre or place of public amusement.

Sec. 149-e. Violation of article. Each violation of this article, either by the ticket seller, or his agent or servant, shall be a misdemeanor.

Sec. 2. This act shall take effect July 1st, 1915.

Another bill was introduced in the Senate of the New York State Legislature, on February 25, 1914, known as Bill No. 733, in relation to the sale of tickets of admission at advanced prices. This bill was read twice and then referred to the Committee on Codes. The following is a copy of the bill:

Section 447. Any person, firm, corporation or association who issues any ticket or other token entitling the holder thereof or any other person to admission to any place of public amusement, which ticket or other token has not plainly printed, marked or stamped thereon, so that the same is plainly legible to the naked eye, the price or cost of said ticket, shall be guilty of a misdemeanor; and any person, firm, corporation or association issuing such tickets or other tokens, who shall directly or indirectly receive or agree to receive, or who shall agree that any other person, firm, corporation or association shall directly or indirectly receive, any money or other article of value or any other consideration beyond or in excess of the price printed, written or stamped thereon, shall be guilty of a misdemeanor.

Section 2. This act shall take effect September 1, 1914.

On January 14, 1915, a bill was introduced in the Assembly of the New York State Legislature designed to prevent the sale of tickets of admission to

theatres and places of amusement. The bill was read once and referred to the Committee on Codes, where it is now pending, and reads as follows:

Section 515-a. A person or corporation who

1. Issues or causes to be issued tickets for admission to a theatre, circus, boxing exhibition, baseball game, place of public entertainment or amusement operated by such person or corporation as owner, lessee, manager or otherwise, unless the price of such ticket be printed thereon and the following words: "This ticket cannot be re-sold for more than the price printed thereon;" or

2. Owning, occupying, managing or controlling a building, room, park or enclosure for the sale of tickets for theatres, circuses or places of public entertainment or amusement, asks, demands or receives from any person for the sale of a ticket a price in excess of the advertised or printed rate therefor;

3. Directly by himself, or by any agent or employe, offers for sale upon any public place or thoroughfare any such ticket to a theatre, circus or place of public entertainment or amusement, for admission thereto, or for a seat or other privilege therein, at a price in excess of the advertised or printed rate therefor; or

4. Establishes an agency or sub-agency for the sale of tickets of admission to a theatre, circus or place of public entertainment or amusement, at a price in excess of the advertised price or printed rate therefor; or

5. Being the owner, lessee or occupant of a building, room, enclosure or other place open to the public, permits any person or corporation to sell, or exhibit for sale in such building, room or enclosure, or other place open to the public, a ticket for admission to a theatre, circus, or place of entertainment or amusement, for more than the price printed thereon, is guilty of a misdemeanor, punishable by a fine not less than \$50.00 nor more than \$200, or by imprisonment for not less than thirty days nor more than six months, or both.

This act shall take effect immediately.

NORFOLK, VA.

(Population 86,540.)

The Norfolk ordinance is a part of the general license ordinances of the city, and provides that:

Section 141. Every person other than the manager, proprietor or his agent, of a duly licensed place of amusement who sells tickets entitling the holder thereof to admission to a theatre or other licensed place of amusement, shall pay a license tax of \$50.00 per year, or any part of a year.

PHILADELPHIA, PA.

(Population 1,657,810.)

The Philadelphia Code for 1904 provides that:

It shall not be lawful for any person or persons to sell, barter or exchange, or offer for sale, barter or exchange, upon the public streets or highways or in front of any theatre or place of amusement and entertainment tickets of admission to such theatre or place of amusement and entertainment.

PITTSBURGH, PA.

(Population 564,878.)

The Pittsburgh City Council, on December 26, 1911, passed an ordinance regulating the sale of tickets for dramatic, theatrical and other public performances. The following is the ordinance:

Section 1. Be it ordained and enacted by the City of Pittsburgh, in Council assembled, and it is hereby ordained and enacted by the authority of the same, that from and after the passage and approval of this ordinance, each and every ticket, or order for a ticket or tickets, or card of admission or license, or any other token or paper or exhibit of any kind whatever, entitling or purporting to entitle the bearer or bearers, holder or holders thereof, or any person or persons whatever, to admission to any dramatic, theatrical, operatic,

musical, baseball, football, or athletic or any other public performance, exhibition or entertainment, of any kind whatever, within the City of Pittsburgh, shall have the true and actual price or consideration thereof, or therefor, plainly printed or stamped in a conspicuous place thereon.

Section 2. It shall be unlawful for any person, persons, firm, co-partnership or corporation, to sell, barter, exchange or transfer, or offer for sale, barter, exchange or transfer, or attempt to sell, barter, exchange or transfer, or be concerned or interested, either directly or indirectly, in the sale, barter, exchange or transfer, or the offer for sale, barter, exchange or transfer, or any attempted sale, barter, exchange or transfer, of any ticket, or card of admission, or license, or any other token or paper or exhibit of any kind whatever, entitling or purporting to entitle, the bearer or bearers, holder or holders thereof, or any person or persons, whatever, to admission to, or to a seat or seats, to or at any dramatic, theatrical, operatic, musical, baseball, football or athletic, or any other public performance, exhibition or entertainment of any kind whatever for any greater price, sum or consideration than the price, sum or consideration plainly printed or stamped upon such ticket or tickets, or card of admission or license, or token or other paper or exhibit, as aforesaid.

Section 3. It shall not be lawful for any person, persons, firm, co-partnership or corporation to sell, barter, exchange or transfer, or attempt to sell, barter, exchange or transfer, or offer for sale, barter, exchange or transfer, or be concerned or interested, either directly or indirectly, in the sale, barter, exchange or transfer, or any attempted sale, barter, exchange or transfer, or offer for sale, barter, exchange or transfer, in or upon any of the municipal or public properties, streets, lanes, alleys or highways within the City of Pittsburgh, including especially the front or fronts of any theatre, opera house, athletic field, park, tent and any and all other places of amusement, any ticket or tickets, order for ticket or tickets, or card of admission, or license, or any other token or paper or exhibit, entitling or purporting to entitle the bearer or bearers, holder or holders thereof, or any person or persons whatever to admission or to a seat or seats to or at any dramatic, theatrical, operatic, musical, baseball, football or athletic or any other public performance, exhibition or entertainment of any kind whatever. Provided, that nothing in this ordinance shall be held or construed to prohibit the sale of tickets to entertainments, the proceeds of which are to be devoted to charitable or benevolent purposes.

Section 4. Any person, or persons, firms, co-partnerships or corporations, violating any of the provisions of this ordinance, shall be subject to a penalty of not less than \$10.00, nor more than \$50.00, for each and every offense, and in default of the payment thereof, shall be committed to the Allegheny County jail or workhouse, for a period not exceeding thirty days.

Section 5. That any ordinance, or part of ordinance, conflicting with the provisions of this ordinance, be and the same is hereby repealed, so far as the same affects this ordinance.

PORTLAND, ORE.

(Population 260,601.)

The following is the Portland ordinance licensing speculators and brokers in tickets of admission to theatrical performances:

Section 30. Ticket agents, ticket brokers, ticket scalpers, ticket messengers, and all other persons engaged permanently or temporarily in the business of buying or selling, or buying and selling theatrical tickets for profit, commission, hire or reward shall pay each a license fee to the Treasurer of said city of \$100 per quarter year in advance of engaging in said business.

Every person shall be considered as engaging in the business described in this section who shall buy or sell, or offer to buy or sell, or cause to be bought or sold, theatrical tickets for profit, commission, hire or reward, either as principal, agent, employe, or messenger.

The provisions of this ordinance shall not apply to general ticket agents or theatres doing such business at the box offices, doors, or business offices of theatres.

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- No. 4 The Payment of Fines in Installments by
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